

PE06-048

MAZDA

1-25-2007

APPENDIX 4

4C

No.04-1817-GC

lawsuit2

October 1, 2002

IN RE: Progressive Claim No. [REDACTED]
H&A File No. [REDACTED]
[REDACTED]

PREDICATION:

This report is predicated upon the request of [REDACTED] Progressive Claims Representative, to conduct an investigation into James Borgesi, with special reference to the fire loss of a 2001 Mazda, Tribute.

SECRETARY OF STATE:

Through the Secretary of State, the following information was obtained:

2001 MAZDA 4F2YU06141K [REDACTED] 20 STA-WAGON
ORIGINAL
06/18/2001 [REDACTED] 26 A

[REDACTED]
FERNDALE [REDACTED]

CHASE MANHATTAN BANK USA NA
PO BOX 521006/15/2001
NEW HYDE PARK NY 11042

REGISTRATION INFORMATION:

[REDACTED] PC-RENEWAL-
07/07/2003 [REDACTED]
MI SOS

INSPECTION:

On September 23, 2002 at 2:30 p.m., this Investigator arrived at Manheim Auction in Flat Rock, to conduct an investigation into the fire loss of a 2001 Mazda, Tribute.

Once at the scene, a close inspection provided the following information:

SEE ENCLOSED INVESTIGATION REPORT

HERNDON

ASSOCIATES

Investigators/Consultants

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Ohio, Illinois and Arizona

www.herndon-assoc.com

IN RE:

Progressive Claim No. [REDACTED]
H&A File No. [REDACTED]
[REDACTED]

October 1, 2002

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Prior to leaving the scene, several 35mm color photographs were taken and are enclosed.

ORIGIN AND CAUSE INVESTIGATION:

On September 23, 2002 at 2:30 p.m., this Investigator arrived at Manheim auction in Flat Rock, to conduct an origin and cause investigation into the fire loss of a 2001 Mazda, Tribute, gray in color, vehicle identification number 4FWYU06141K [REDACTED]. Upon arriving at the facility, the vehicle is located and identified by its vehicle identification number found on the federal manufacturer's label on the driver's door post. Further, affixed to the rear was Michigan license plate [REDACTED].

Initial observations reveal evidence of a fire to have originated within the engine compartment, with the most severe damage present to the painted surface of the hood on the left or driver's side. The fire extends, lessening in degree toward the right or passenger's side.

The examination is now focused to the painted surface of the vehicle from approximately the bulkhead rearward, and there is no evidence of any direct fire impingement.

The examination is now focused to the fuel tank, fill tube and fuel cap, which are intact with no evidence of any fuel leakage. The examination of the underside of the vehicle reveals no evidence of any fire origin.

The examination is now focused to the cargo area, whereupon gaining entry, there is no evidence of any fire damage. The examination of the rear passenger compartment reveals no evidence of any fire damage. At this time, entry is gained into the front passenger compartment, where fire debris is present, however, was not caused from the fire extending into the passenger compartment. The examination of the underside of the dash reveals it is intact. The investigation further reveals the odometer is a digital odometer, and no mileage could be ascertained. At this time, after completing an examination of the passenger compartment, no evidence of any fire origin could be found.

The examination is now focused to the engine compartment, whereupon gaining entry, it is determined that the transmission fluid is full, brake fluid drained during the course of the fire, radiator drained during the course of the fire, and power steering fluid low and fire damaged. At this time, the oil dipstick plastic cap is melted into the tube and is not extracted.

IN RE: Progressive Claim No. [REDACTED]
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The examination is now focused to the right or passenger's side of the engine compartment, where there is the remains of combustible hoses, plastic reservoirs and wiring insulation, all ruling out any fire as having originated on the right or passenger's side.

The examination is now focused to the front of the engine, where combustibles remain, to include plastics, wiring insulation and hoses, ruling out any fire as having originated within this area.

The examination is now focused to the bulkhead, where silencer pad is fire damaged, however, is high in nature and the wiring traveling to the computer within the engine compartment is void of insulation, however, no evidence of any electrical faulting could be found. Upon tracing this particular wiring harness, it travels over on the left or driver's side, is partially void of insulation, with no evidence of any electrical faulting.

The examination is now focused to the battery and battery cables, where the positive battery cable is partially void of insulation for approximately three to four inches, the insulation then becomes intact, and the plastic duct that covers the battery cable is fire damaged, however, the wiring insulation is intact. At this time, no evidence of any electrical faulting in the positive battery cable could be found. The examination of the ground cable reveals it is void of insulation and the remainder of the cable is melted into plastic on the inner left fender. At this time, the battery is removed, placed into the driver's floor area, and the battery tray is removed, and wiring beneath the battery tray is intact, and there is no evidence of any fire origin within this area.

above the front axle
The examination is now focused to the wiring that travels from the windshield wiper motor, it is void of insulation, brittle, and falls apart to the touch. The examination further reveals wiring in the underside of the power distribution center partially void of insulation. At this time, wiring is examined that is melted into the plastic on the inner left fender, and there is evidence of fusing of wiring and electrical faulting. The investigation continues, and upon tracing the wiring harness, it connects into a second harness that travels along the inner left fender. Upon examining the wiring harness along the inner left fender, it is void of insulation in areas, and there is evidence of overheating of the wiring insulation as evidenced by the bubbling of the insulation.

The investigation is now focused to a number of small wires found in the underside of the power distribution center, as well as lying on the shock tower, and a close examination reveals the wiring is void of insulation, brittle and falls apart to the touch.

IN RE: Progressive Claim No. [REDACTED]
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[REDACTED]

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The examination is now focused to the brake booster, where the cast aluminum unit which houses the plastic brake fluid reservoir is intact at the booster, however, melted forward, indicating the fire is forward of the bulkhead.

The investigation is now focused to the underside of the engine on the left or driver's side, and there is no evidence of any fire origin.

At this time, after completing the above inspection and examination, it was the opinion of this Investigator that the fire originated on the left or driver's side of the engine compartment, and at this time, the investigation continues. *above the axle.*

TITLE INFORMATION:

A review of the title information indicates that this was an original purchase, transferred into the name of [REDACTED] of [REDACTED] Ferndale, Michigan on June 18, 2001. At the time of the transfer, the odometer showed 26 actual miles. The first secured interest is listed as Chase Manhattan Bank, USA, as of June 15, 2001. The license plate of [REDACTED] was not due to expire until July 7, 2003. The driver's license number listed on the registration was [REDACTED]

NATIONAL HIGHWAY TRAFFIC & SAFETY ADMINISTRATION:

A search of the National Highway Traffic & Safety Administration, recall database, produced six recalls pertaining to 2001 Mazda, Tribute trucks. A review of the recalls revealed none pertain to the fire in question.

A further search was conducted of the National Highway Traffic & Safety Administration, defect investigations database, which produced two records pertaining to 2001 Mazda, Tribute trucks. A review of the defect investigations revealed neither pertain to the fire in question.

ALL DATA SYSTEM:

A search of the All Data System produced six recalls pertaining to 2001 Mazda, Tribute trucks equipped with 3.0 liter engines. A review of the recalls revealed none pertain to the fire in question.

IN RE: Progressive Claim No. [REDACTED]
H&A File No. [REDACTED]
[REDACTED]

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INTERVIEW [REDACTED]

On September 25, 2002 at 3:05 p.m., Investigator Robert Persyn conducted an interview with [REDACTED] who owns a towing facility and was towing the vehicle on behalf of Chase Financial Services.

The fire was discovered on September 13, 2002 between 8:30 and 9:00 a.m. The location of the fire was on the freeway, southbound I-75 at mile marker 103. The insured stated he contacted 911, and a fire department responded, however, he is uncertain which fire department. The fire department arrived quickly and extinguished a fire involving the 2001 Mazda, Tribute. Further questioning revealed that at the time of the discovery of the fire, James Borgesi was towing the vehicle southbound on I-75 and the rear wheels were on the ground.

→ Front axle failure from towing
Just prior to the discovery of the fire, he did not experience any operability problems, did not detect any odors, however, heard what he described as a loud boom, with smoke emanating from the wheel well on the driver's side. The color of the smoke was gray. The fire was first observed emanating out the driver's side wheel well as well.

At the time of the discovery of the fire, the hood was closed and remained closed until the fire department arrived. All doors were closed and all windows were up at the time of the fire.

The insured went on to state that the vehicle was either a lease which was returned or a repossession. The vehicle was picked up at Equitable Services in Flint and he was advised to transport the vehicle to Manheim Auction in metro Detroit. The insured stated that his client was Manheim Metro Detroit Auto Auction.

4WD - The vehicle was picked up between 8:00 and 8:30 a.m. in a secured lot, and the keys were in the center console, the ignition was in the off position. Further questioning revealed that the vehicle is a front wheel drive vehicle and that the front wheels were not on the ground at the time of the fire. Further questioning revealed that after the fire had been extinguished, the vehicle was placed on a flatbed.

CONCLUSION:

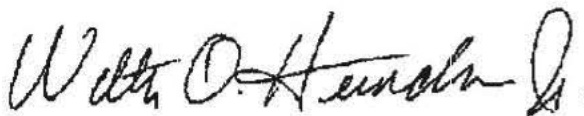
Having completed an examination of the vehicle, conducted research pertaining to the vehicle in question, reviewed an interview obtained by the insured who was towing the vehicle on behalf of Chase Financial Services, and based on all of the information known at the time of the

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preparation of this report, it is the opinion of this Investigator that the fire was accidental in nature. It is further the opinion of this Investigator that the originated within the engine compartment, specifically the driver's side engine compartment, where there is evidence of electrical faulting within wiring beneath the power distribution center sufficient to ignite the wiring insulation and immediate combustibles into open flame, with the fire extending, causing the damage present. The fire is deemed to be an accidental fire, electrical in nature.

At this time, all requests for services have been completed, we are closing our file and forwarding our report and photographs for your review.



Walter O. Herndon, Jr.

WOH/kb

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Photograph Exhibit

Insured
Claim No. [REDACTED]
Date of Loss: 9-29-03
Photograph # 1
Description:

*Insured
Vehicle*



Photograph # 2
Description:

VIN



Photograph Exhibit

Insured : [REDACTED]
Claim No. [REDACTED]
Date of Loss: 9-29-03
Photograph # 5
Description:

*Left
side*



Photograph # 6
Description:

*Right
side*



Photograph Exhibit

Insured
Claim No. [REDACTED]
Date of Loss: 9-29-03
Photograph # 7
Description:

Rt.
side



Photograph # 8
Description:

Rt.
side



Photograph Exhibit

Insured : [REDACTED]
Claim No. : [REDACTED]
Date of Loss: 9-29-03
Photograph # 9
Description:

*Heat
Damage
to
rear
bumper*



Photograph # 10
Description:



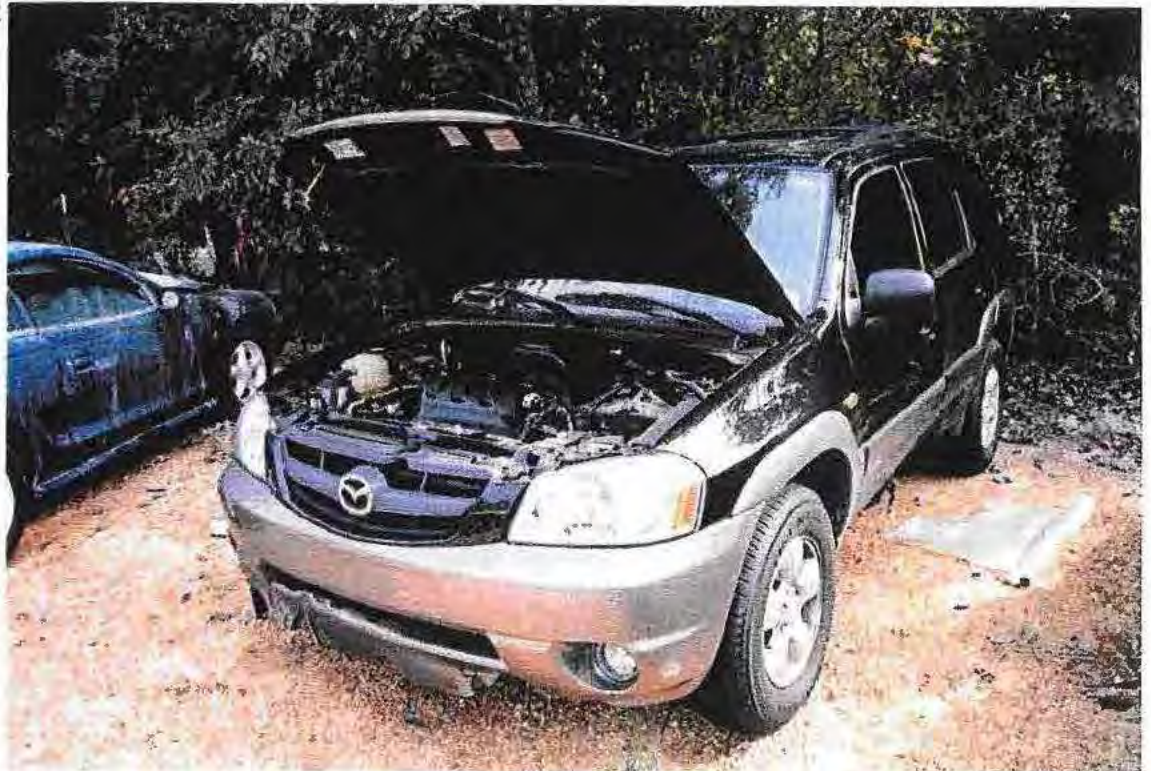
Photograph Exhibit

Insured : [REDACTED]
Claim No. : [REDACTED]
Date of Loss: 9-29-03
Photograph # 11
Description:

*Heat
damage
to
Front
Bumper*

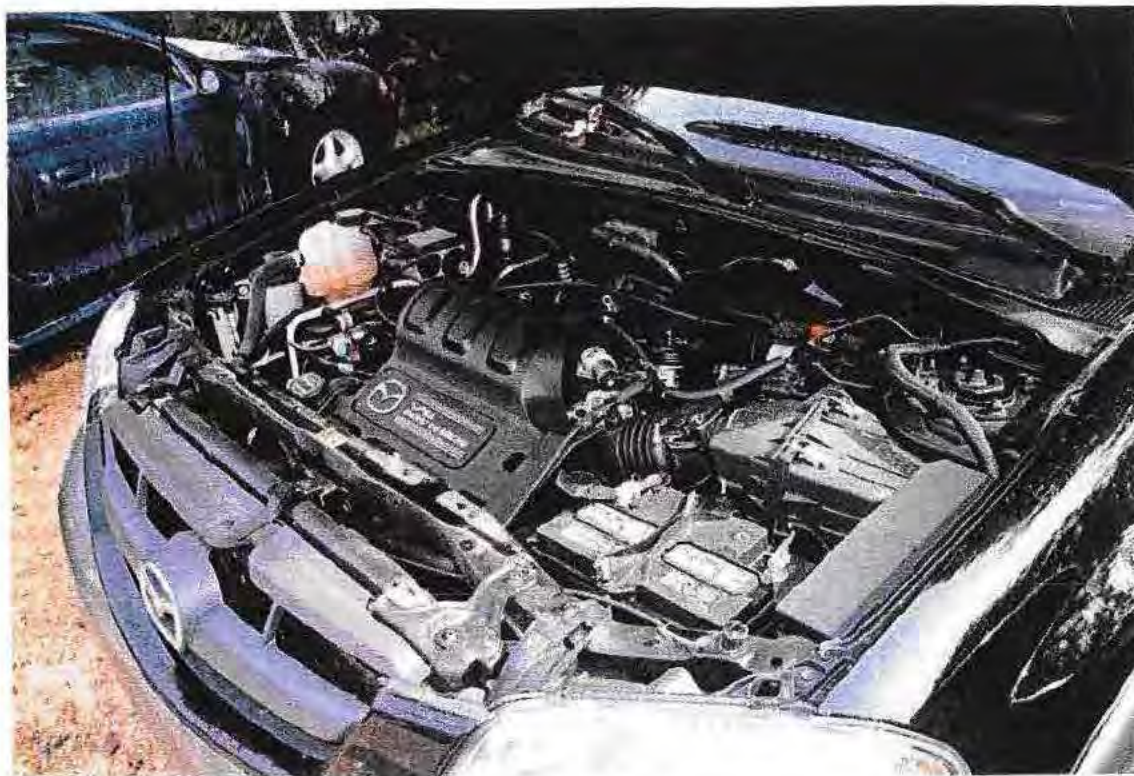


Photograph # 12
Description:



Photograph Exhibit

Insured : [REDACTED]
Claim No. : [REDACTED]
Date of Loss: 9-29-03
Photograph # 13
Description:



Photograph # 14
Description:



Photograph Exhibit

Insured : [REDACTED]
Claim No. : [REDACTED]
Date of Loss: 9-29-03
Photograph # 15
Description:



Photograph # 16
Description:



Photograph Exhibit

Insured : [REDACTED]
Claim No. : [REDACTED]
Date of Loss: 9-29-03
Photograph # 17
Description:

*Light
carbon
staining
of
console*



Photograph # 18
Description:



Photograph Exhibit

Insured : [REDACTED]
Claim No. : [REDACTED]
Date of Loss: 9-29-03
Photograph # 19
Description:

*Burned
area
beneath
left rear
seat*



Photograph # 20
Description:

*Close up
of burned
area in
19*



Photograph Exhibit

Insured : [REDACTED]
Claim No. : [REDACTED]
Date of Loss: 9-29-03
Photograph # 21
Description:

*Left
rear
floor
Heat
damage*



Photograph #
Description:

Photograph Exhibit

Insured : [REDACTED]
Claim No. : [REDACTED]
Date of Loss: 9-29-03
Photograph # 22
Description:

*underbody
as seen
from left
side*



Photograph #
Description:

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Photograph Exhibit

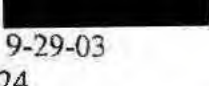
Insured
Claim No. [REDACTED]
Date of Loss: 9-29-03
Photograph # 23
Description:

*Evaporative
emissions
canister is
missing*

Photograph #
Description:



Photograph Exhibit

Insured : 
Claim No. : 
Date of Loss: 9-29-03
Photograph # 24
Description:

left
side.
Fuel tank
Brake
cable



Photograph # 25
Description:

parking
brake
cable



Photograph Exhibit

Insured
Claim No. [REDACTED]
Date of Loss: 9-29-03
Photograph # 26
Description:

*Rear
Underbody*



Photograph # 27
Description:



Photograph Exhibit

Insured : [REDACTED]
Claim No. : [REDACTED]
Date of Loss: 9-29-03
Photograph # 28
Description:

*Underbody.
Forward
of area
of origin*



Photograph # 29
Description:

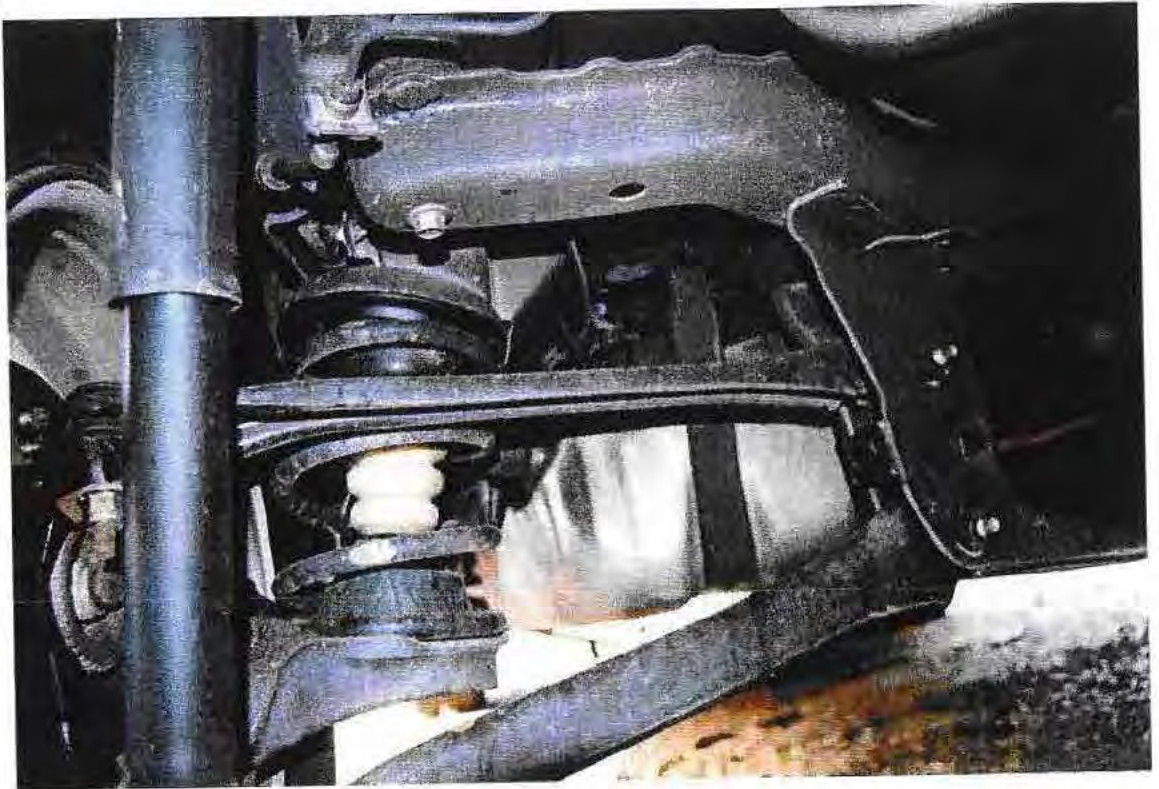
*Underbody
at front
edge of
heavily burned
area*



Photograph Exhibit

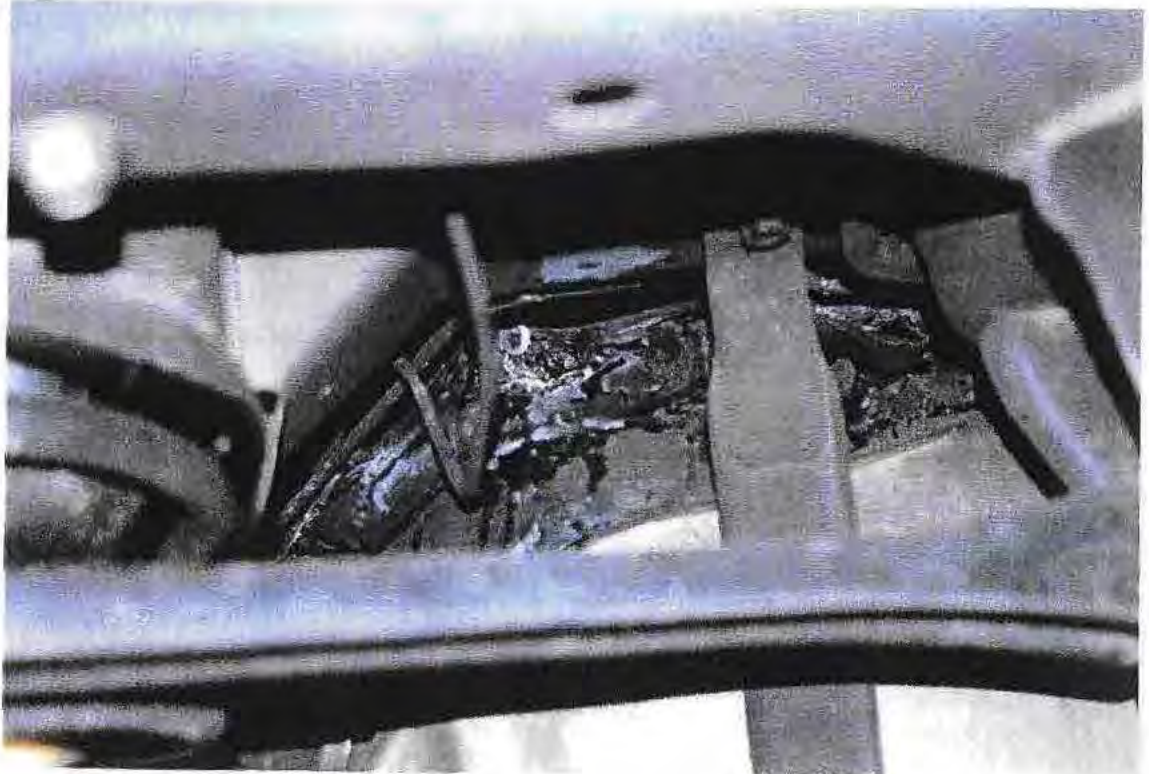
Insured : [REDACTED]
Claim No. : [REDACTED]
Date of Loss: 9-29-03
Photograph # 30
Description:

*Left rear
suspension.
Rear of
fuel tank*



Photograph # 31
Description:

*burned
area at
top of
fuel tank*



Photograph Exhibit

Insured : [REDACTED]
Claim No. : [REDACTED]
Date of Loss: 9-29-03
Photograph # 32
Description:

*Burned
area at
top of
fuel tank*



Photograph # 33
Description:

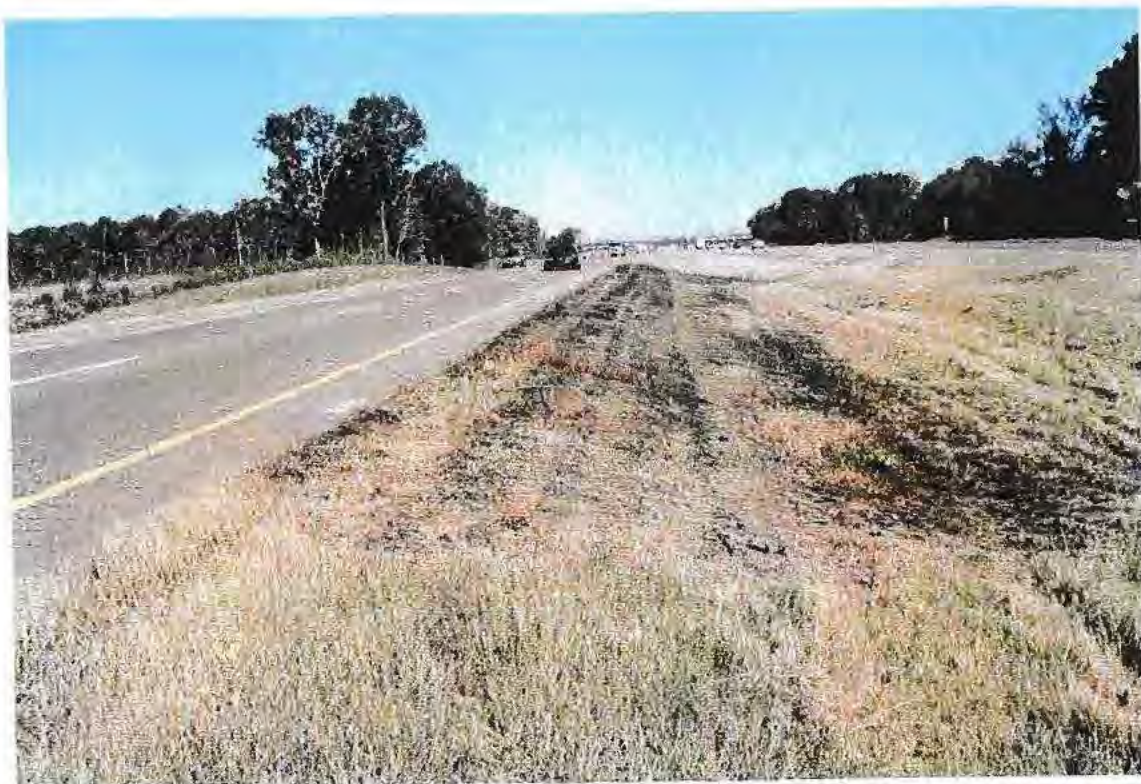
*electrical
conductor
for
evaporative
emissions
canister*



Photograph Exhibit

Insured : [REDACTED]
Claim No. : [REDACTED]
Date of Loss: 9-29-03
Photograph # 34
Description:

*Facing N.
on I-55
at fire
scene*

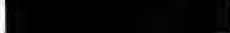


Photograph # 35
Description:

*Debris &
parts of
2003
Mazda
Tribute*



Photograph Exhibit

Insured : 
Claim No. : 
Date of Loss: 9-29-03
Photograph # 36
Description:

*Debris
& parts*



Photograph # 37
Description:

*Evaporative
Emissions
Canister*



Photograph Exhibit

Insured : [REDACTED]
Claim No. : [REDACTED]
Date of Loss: 9-29-03
Photograph # 38
Description:

*Closer
view of
canister*



Photograph # 39
Description:



Photograph Exhibit

Insured

Claim No. [REDACTED]

Date of Loss: 9-29-03

Photograph # 40

Description:



Photograph # 41

Description:



Photograph Exhibit

Insured

Claim No. [REDACTED]

Date of Loss: 9-29-03

Photograph # 42

Description:

*Facing S.
on I-55
at resting
place of
vehicle.*



Photograph #

Description:

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MAZDA

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No.04-1817-GC

Rpt w photos7(1)

07/14/2004

KWIK KAR OIL & LUBE
3255 GOODMAN RD.
SOUTHAVEN MS 38672

564DBW

2003

MAZDA
TRIBUTE
6cyl 3.0L FI
(662) -
MS

7900

1

SOUTHAVEN

38671

09/19/03 7749 FS

AC Air Conditioner Serv
ADD Additives
AF Air Filter
ATS Auto Trans Service
BR Breather Element
CAF Cabin Air Filter
FDS Front Diff Service
FF Fuel Filter
FIC Fuel Injector Cleani
FS Full Service
INS Inspection
LGT Light Bulb
MTS Manual Trans Service
PCV PCV Valve
RAD Radiator Service
RDS Rear Diff Service
SBT Serpentine Belt
TCS Transfer Case

Full Service	3,000 miles	151	
Air Filter	Replace as needed	No record	\$9.99
Breather	Replace as needed	No record	0/S
PCV Valve	Replace as needed	No record	0/S
Radiator Service	See Note	No record	
Change at 1st 45,000 miles then every 30,000 miles			
Auto Trans Service	30,000 miles	No record	
Manual Trans Service	30,000 miles	No record	

STOCK NUMBER: [REDACTED] LAST SERV MILEAGE: 003690 MFG CODE: 30L001
4F2CZ06133K [REDACTED] MS [REDACTED] MILE:000014 LAST SERV:08/05/03
03 MAZDA TRIBUTE ES 4DR SPTUTY BLACK IN-SERV DATE:05/17/03
SRVC \$ CUS: 34 WAR: POL:

RO [REDACTED] N 08/05/03 3690 118 PTS=21.56 POL=.00 TOT=34.76 INV=[REDACTED]
LN 51 PAY TYPE C TECH1-100 OPR-CODE SERVICE
CUSTOMER RFEQUEST OIL CHANGE MAINTENANCE
SERVICE
PERFORM OIL CHANGE MAINTENANCE

RO [REDACTED] N 05/29/03 14 118 PTS=15.00 POL=.00 TOT=95.00 INV=[REDACTED]
LN 23 PAY TYPE I TECH1-100 OPR-CODE XDETAIL
PERFORM VEHICLE DETAIL - SUBLET TO ENFIELDS
COMPLETED VEHICLE DETAIL

RO [REDACTED] N 05/08/03 12 118 PTS=.00 POL=.00 TOT=106.60 INV=[REDACTED]
LN 51 PAY TYPE W TECH1-BH3 1.30 OPR-CODE WARRANTY
NEW CAR PDI
PDI
PDI

RO [REDACTED] N 05/08/03 12 118 PTS=22.99 POL=.00 TOT=174.59 INV=[REDACTED]
LN 52 PAY TYPE I TECH1-BH3 .30 OPR-CODE INT
WINDOW ETCH
ETCH
ETCH
LN 53 PAY TYPE I TECH1-100 OPR-CODE INT
FABRIC GUARD
NO WORK
LEATHER
LN 54 PAY TYPE I TECH1-100 .70 OPR-CODE INT
DETAIL
PDIWASH
COMP.
END OF DATA

**SOUTHERN FARM BUREAU CASUALTY INSURANCE COMPANY
MISSISSIPPI FARM BUREAU MUTUAL INSURANCE COMPANY
MISSISSIPPI FARM BUREAU CASUALTY INSURANCE COMPANY
P. O. BOX 780 . BATESVILLE, MISSISSIPPI 38606-0780 . (601) 561-0116**

October 13, 2003

TO: Mazda North American Operations

FROM: Dennis Welch, CFI

OUR INSURED:

CLAIM NO.:

POLICY NO.:

DATE OF LOSS: September 29, 2003

RECEIPT OF ASSIGNMENT:

Notification of this fire loss was received on October 3, 2003. Examination of the subject vehicle was conducted on October 8, 2003.

VEHICLE DESCRIPTION:

The insured vehicle is a 2003 Mazda Tribute sport utility vehicle, bearing vehicle identification number 4F2CZ06133K [REDACTED] It is a four door, front wheel drive vehicle that is equipped with a six-cylinder gasoline engine, automatic transmission, air conditioning and numerous other features for driver and passenger comfort and convenience. This vehicle was like new, with less than 10,000 miles on the odometer.

EXTERIOR OBSERVATIONS:

This was a clean vehicle with no body damage. The paint and tires were in excellent condition. There was no broken glass. Exterior fire damage was noted on the rocker panels of both sides of this vehicle. Fire had burned away a portion of the plastic rocker molding below the left doors. Fire had also attacked the right rocker panel below the rear door. Combustion byproducts were on both right doors. Heat from the fire had melted the bottom of both plastic bumper covers.

Heavy fire damage was found on the underside of the floor pan forward of the fuel tank where combustible parts of the fuel vapor maintenance system burned. Fire had burned the fuel tank shield and fuel tank. The rear of the fuel tank was not burned. There was no damage by direct flame impingement to the front or rear suspension components.

One electrical conductor dangled from a small opening in the floor pan below the driver's seat back. This conductor appeared to have been connected to the fuel vapor maintenance system. The exhaust system components were in good condition. There was no sign of collision or other damage to the underbody, suspension, tires or aluminum wheels.

The fire scene in Desoto County was inspected. The location was on the left side of the southbound lanes of U.S. interstate 55 between the exits at Hernando and Nesbit, Mississippi. The resting place of the insured vehicle was outlined by pieces of melted plastic from the bumpers and rocker panels. The carbon canister of the fuel vapor maintenance system was located and retrieved. The plastic body of the rectangular canister was melted and charred externally. Undamaged plastic parts were inside it. Much of the carbon pellet material remained. The pellets were dry. There was no noticeable odor of gasoline.

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OCT 22 2003

INTERIOR OBSERVATIONS:

Fire had melted and burned the carpet behind and below the driver's seat. Much heavier fire damage was found under the left rear passenger seat. The carpet was badly charred over the access panel above the fuel tank. The burned fuel pump wiring was visible in the burned carpet.

The interior was lightly coated with combustion byproducts and ash. An oil change sticker was on the upper left corner of the windshield. The sticker indicated that the next oil change should be performed on 12-18-03 or 10,749 miles.

INTERVIEWS / INVESTIGATION:

This fire occurred at approximately 1:00 p.m. The driver was [REDACTED]. There were no passengers. [REDACTED] stated that there have been two oil changes for this vehicle since it was purchased, but no other service. She had experienced no problems with the vehicle prior to the fire. There had been no "check engine" light warnings. The vehicle had never been in any collision and never had to be towed.

[REDACTED] stated that on the day the fire occurred she was driving on interstate 55 toward her home when she heard an unusual sound, followed by a noise that she described as "bang!" She saw the fire behind her vehicle and stopped immediately. The fire was extinguished by local fire departments.

The service department at Gossett Mazda, Memphis, Tennessee advised that this vehicle received an oil change in August 2003. There was no other record of service for this vehicle at that dealership.

Kwik Kar, a fast oil change business in Southaven, Mississippi, advised that they changed the engine oil and oil filter on this vehicle on September 19, 2003. They did not perform any other work on the vehicle.

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OCT 22 2003

██████████ stated that she drove this vehicle the night before the fire. She filled the fuel tank. She said that she did not put more fuel into the tank after the nozzle on the gasoline pump automatically shut off. In other words, she did not "top off" the tank. She said that she never does that.

CONCLUSION:

The fire originated in the area of the fuel tank and fuel vapor maintenance system. There was no evidence that any damage to the vehicle preceded the ignition of gasoline vapor. There was no evidence of an external event that caused this fire. It is this investigator's opinion that a malfunction occurred in the fuel system of this vehicle and ignition of gasoline vapor resulted. The exact nature of the malfunction has not yet been determined because removal of the fuel tank and fuel pump module cannot take place until all parties involved have assembled for an inspection.

No disassembly of the vehicle was undertaken in order to completely examine the fuel pump module wiring and fuel lines not visible from beneath the vehicle. The wiring for the fuel pump is a suspected ignition source. The exhaust system has not been ruled out as a possible ignition source.

Photographs of the vehicle will remain in this investigator's possession during this investigation.


Dennis D. Welch, CFI

CC: Kirk McDaniel
Shelby Melvin
Mack Stallings
Randall Nevins

RECEIVED

OCT 22 2003

DATE: 11-18-04
TO: Tom Simmons
FROM: Dennis Welch
INSURED: [REDACTED]
CLAIM NO./
POLICY NO.: [REDACTED]
D/A: 9-29-04

After reviewing this subrogation file with [REDACTED] this past summer, I decided to take a fresh look at this vehicle. On July 15, I located the car on the lot at Southern Auto Salvage. I raised the hood to check the engine oil level. I noted no motor oil on the dipstick. I went down to the ground in front of the vehicle and took a look at the oil pan. The oil plug was in place, but I saw motor oil on the bottom of the pan. I looked closer and saw what appeared to be a hole in the engine block near the oil filter. I felt of the area and it did feel like there was a hole in the block. I then went to the office of the salvage yard and asked for assistance. They sent a man out on a large forklift. He raised the vehicle and I was able to clearly see the hole in the block near the oil filter which was on the forward side of the engine. I then looked at the back side of the engine block and saw another, larger hole in the block. I noted that the holes hole in the back of the block was lined up with the exhaust pie and catalytic converter. It was clear that the engine had sustained an internal malfunction. This resulted in damage to the block, loss of engine oil and ignition of the oil bt the exhaust components.

I checked the oil filter and found that it was still tightly in place. The force of the expulsion of the chunk of engine block had forced the edge of the filter back a bit, exposing the filter gasket. The filter gasket appeared to be undamaged. It was a Pennzoil filter. I later checked with a Pennzoil lubrication service location to see if the proper oil filter was on the vehicle. It was the correct filter.

I wrote [REDACTED] a letter on July 21 about my findings. I spoke with Scot Spragins about this today. He needed an update because [REDACTED] is no longer employed at Scot's firm. Scot is apparently going to take over and handle this case against Mazda.

cc: Subrogation Dept.

POLICYHOLDER'S RELEASE

FILE COPY

The undersigned, of full legal age, hereby acknowledge receipt from the SOUTHERN FARM BUREAU CASUALTY INSURANCE COMPANY of the sum of Eight Thousand One Hundred Sixty seven and 36/100 Dollars (\$ 8167.36) this date, to me in hand paid, in consideration of which the undersigned hereby release(s) the said SOUTHERN FARM BUREAU CASUALTY INSURANCE COMPANY from any and all liability under Policy No. [REDACTED] on any and all claims, demands and rights of actions arising out of, or which may hereafter arise out of, an accident that occurred at or near Interstate 55, Hernando, Miss. on or about the 29th day of September 20 03.

Dated this 3rd day of November 20 03 at Farm Bureau Claims Center

WITNESSES:

[REDACTED]

P.O. Box 267

(Address)

Southaven,

[REDACTED]

(Address)

PLEASE READ CAREFULLY

[REDACTED]

[REDACTED]

Photograph Exhibit

Insured:

Claim Number:

Date of Loss:

September 29, 2003

Photograph # 1

Date taken: 7-15-04

2003 Mazda Tribute



Photograph # 2

Date taken: 7-15-04

Oil pan and exhaust system
in line



Photograph Exhibit

Insured:

Claim Number:

Date of Loss:

September 29, 2003

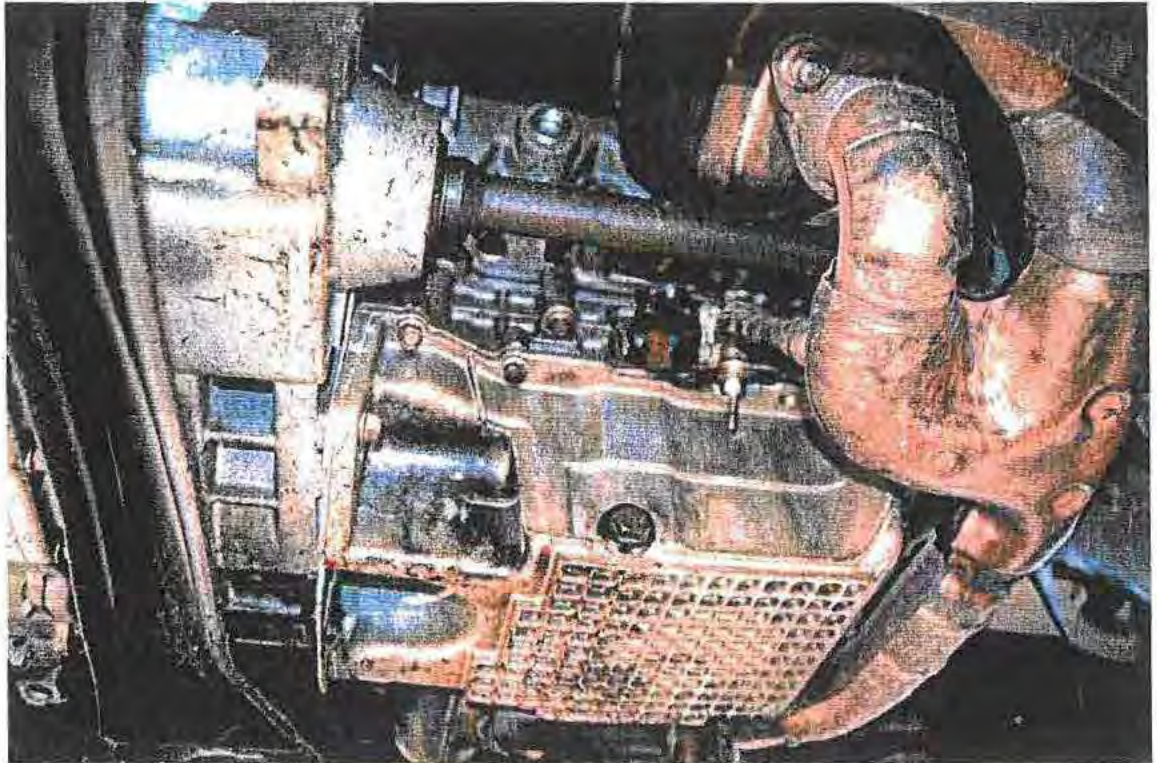
Photograph # 7

Date taken: 7-15-04

Rear of oil pan.

Oil drain plug in place.

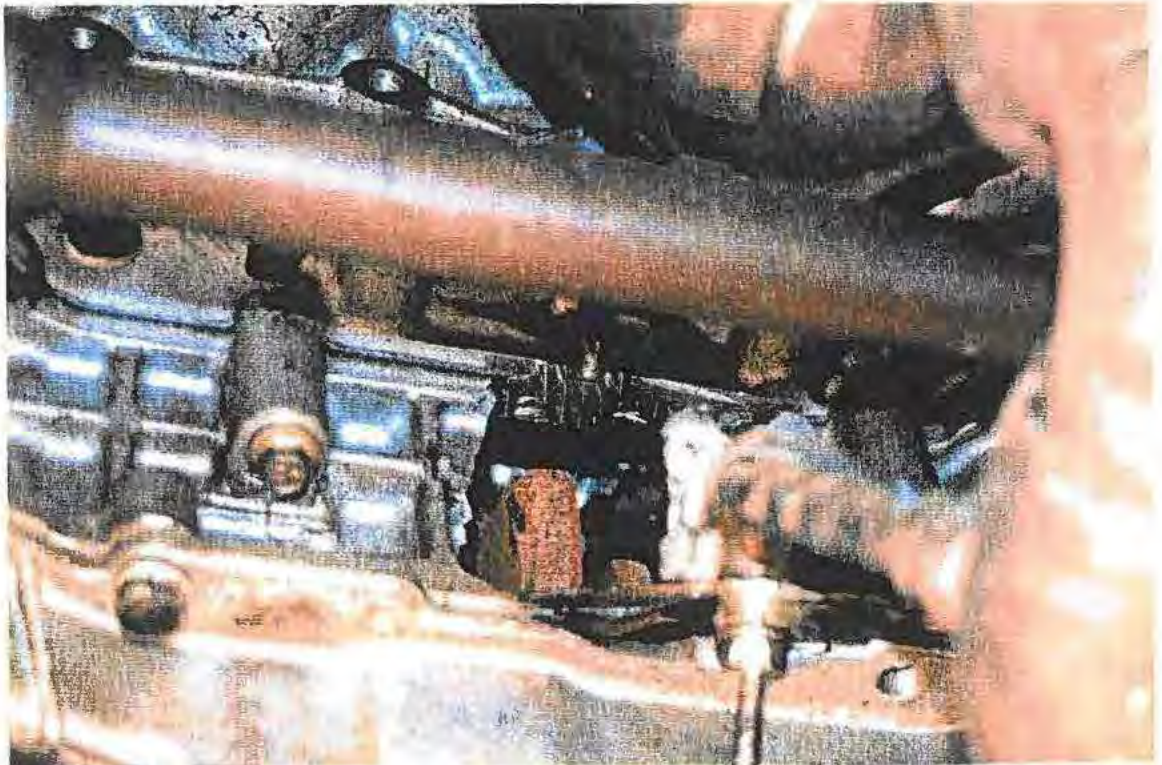
Hole in crankcase



Photograph # 8

Date taken: 7-15-04

Closeup of large hole
in crankcase and internal
engine components



Photograph Exhibit

Insured:

Claim Number:

Date of Loss:

September 29, 2003

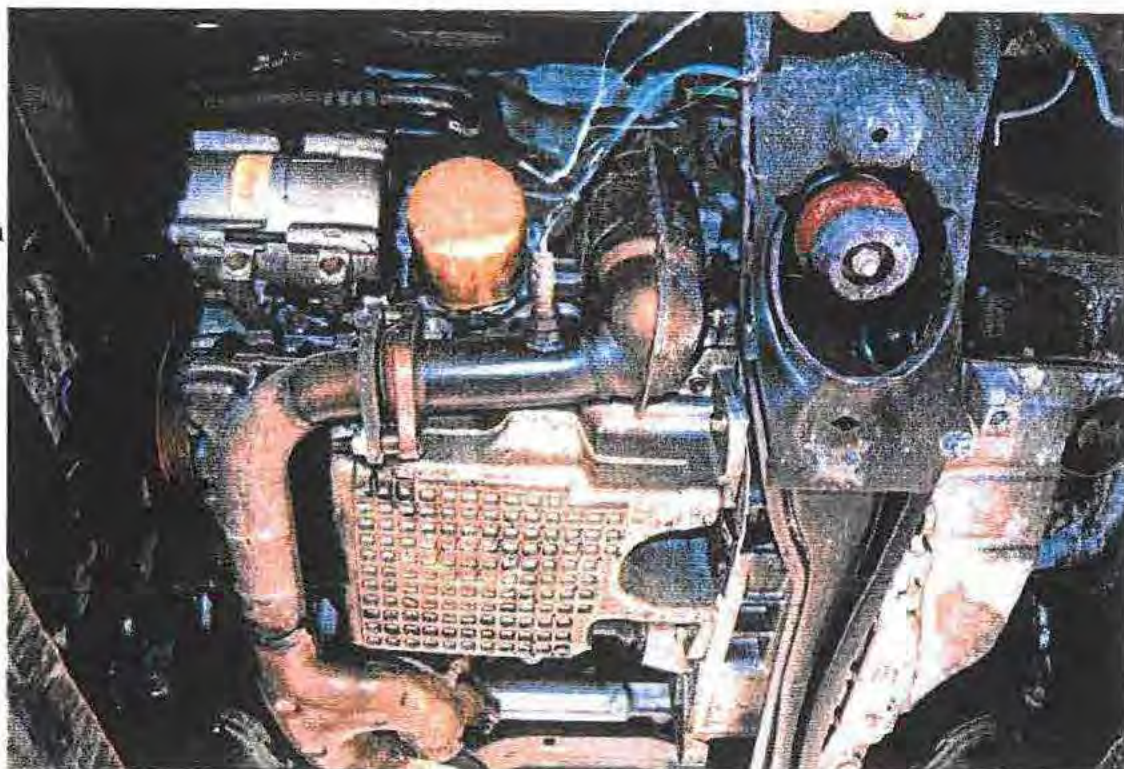
Photograph # 3

Date taken: 7-15-04

Oil residue is on oil pan.

Filter in place.

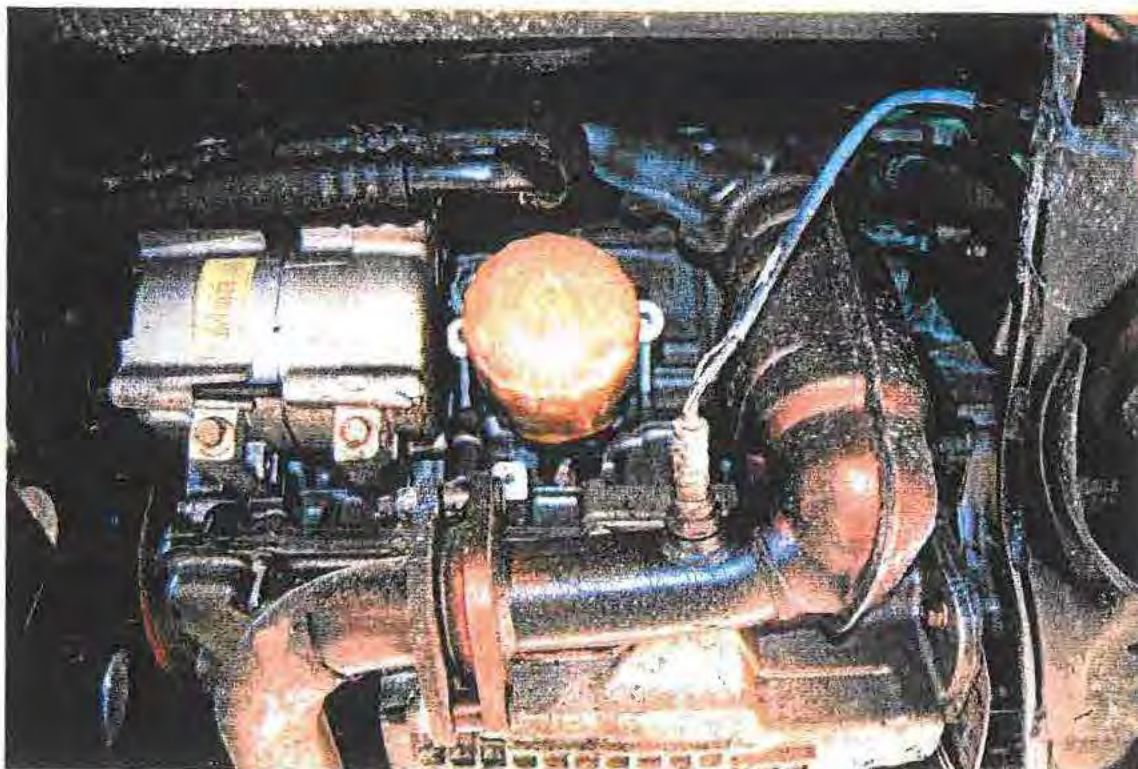
Exhaust components near pan



Photograph # 4

Date taken: 7-15-04

Hole in engine block
near oil filter is
visible



Photograph Exhibit

Insured:

Claim Number:

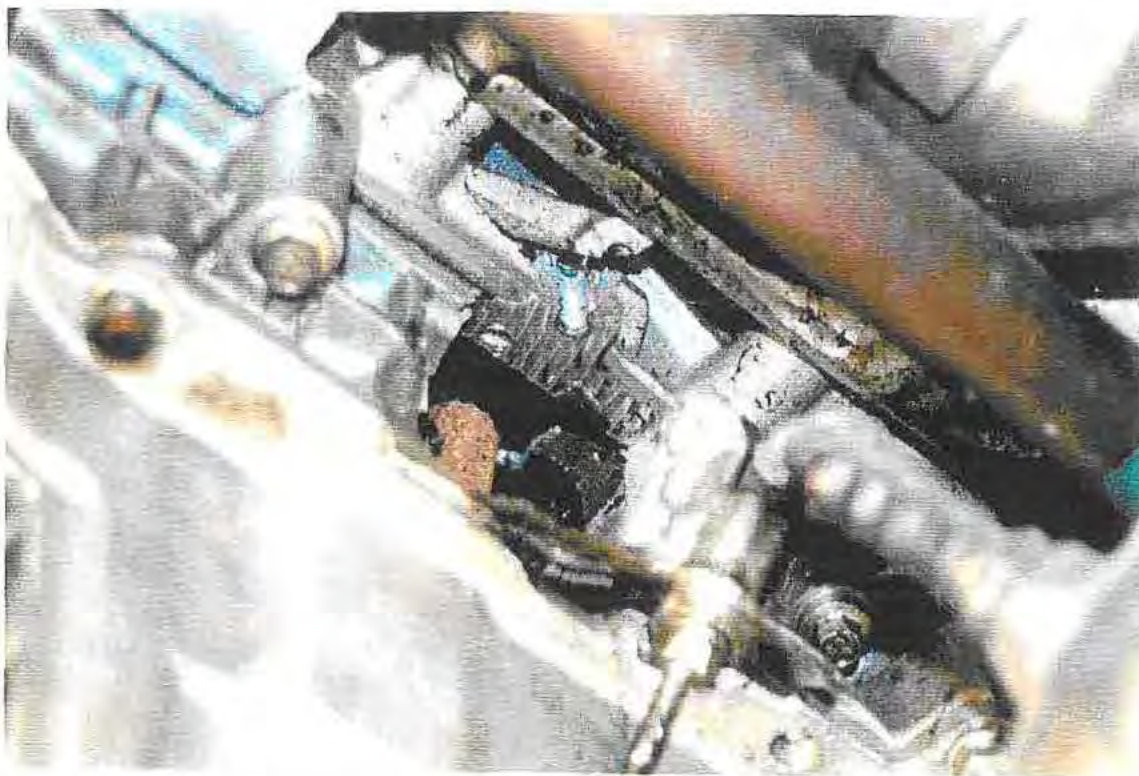
Date of Loss:

September 29, 2003

Photograph # 9

Date taken: 7-15-04

Large hole seen in
Photo # 8



Photograph Exhibit

Insured:

Claim Number:

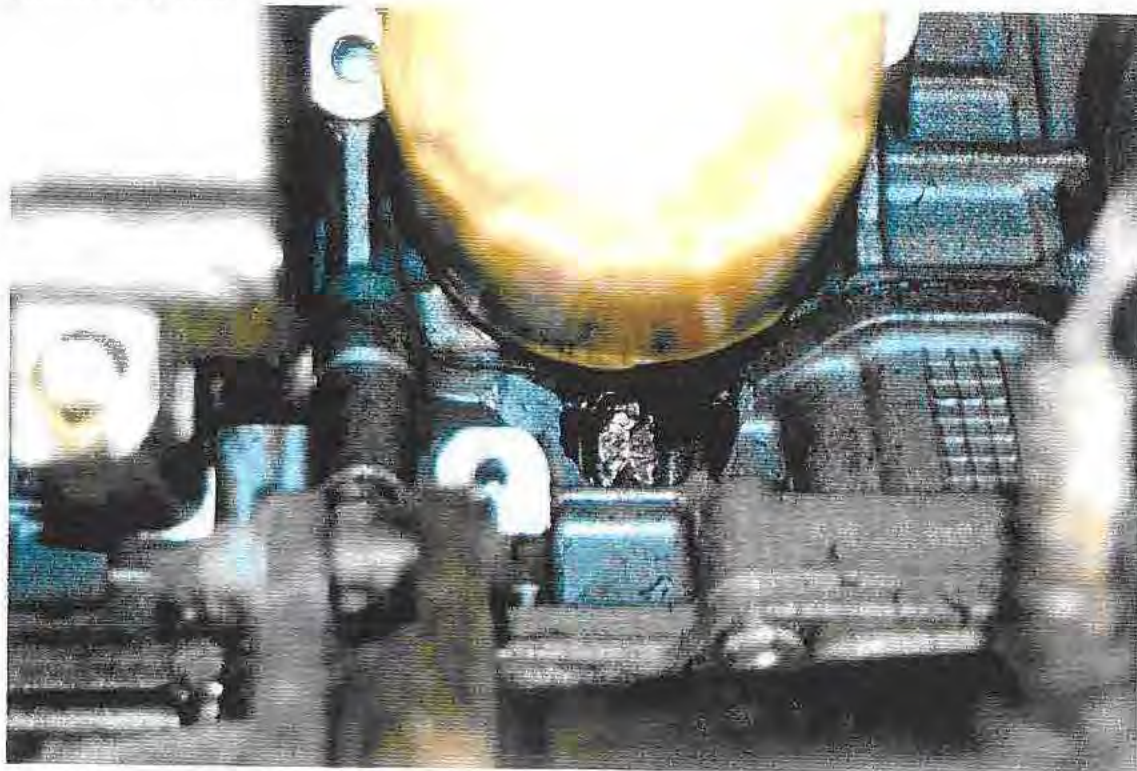
Date of Loss: September 29, 2003

Photograph # 5

Date taken: 7-15-04

Hole in crankcase visible.
Internal component visible.

Oil filter edge bent back
by force.

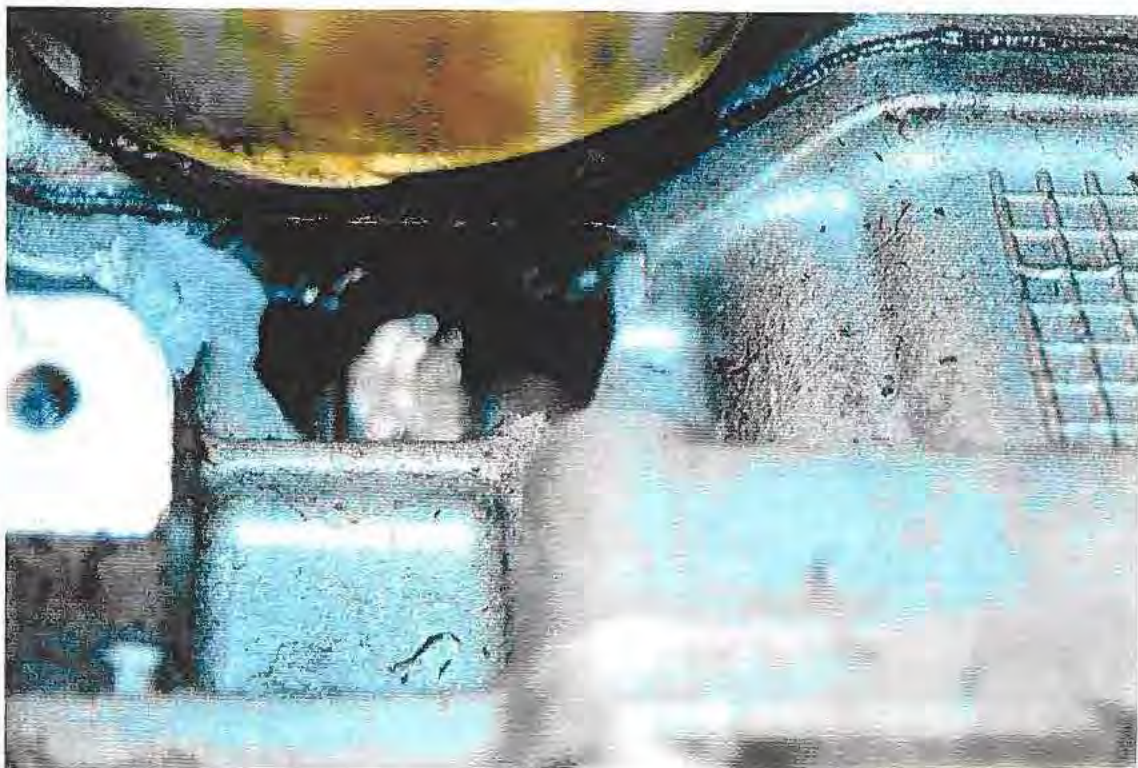


Photograph # 6

Date taken: 7-15-04

Closeup of filter edge
and hole.

Internal engine component
is out of focus



PE06-048

MAZDA

1-25-2007

APPENDIX 4

4C

No.04-1817-GC

SC1

IN THE COUNTY COURT OF DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI FARM BUREAU INSURANCE COMPANY

PLAINTIFF

VS.

CAUSE NO. [REDACTED]

MAZDA MOTOR OF AMERICA, INC. AND
FICTITIOUS DEFENDANTS A, B AND C

DEFENDANTS

S U M M O N S

THE STATE OF MISSISSIPPI

TO: **MAZDA MOTOR OF AMERICA, INC.**
C/O CT Corporation System
645 Lakeland East Drive, Ste. 101
Flowood, Mississippi

NOTICE TO DEFENDANT

*THE COMPLAINT OR PETITION WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.*

You are required to mail or hand-deliver a copy of a written response to the Complaint to Lawrence J. Tucker, Jr., the attorney for the Plaintiff(s), whose address is Post Office Drawer 668, 1305 Madison Avenue, Oxford, Mississippi 38655. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

ISSUED under my hand and seal of said Court on this, the 06 day of January, 2005.

Rale L. Thompson
COUNTY CLERK
DeSoto County Courthouse
2535 Highway 51 South
Hernando, MS 38632

BY:

D. J. [Signature] D.C.

(SEAL)

IN THE COUNTY COURT OF DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI FARM BUREAU INSURANCE COMPANY

PLAINTIFF

VS.

CAUSE NO. [REDACTED]

MAZDA MOTOR OF AMERICA, INC. AND
FICTITIOUS DEFENDANTS A, B AND C

DEFENDANTS

COMPLAINT

COMES NOW, Plaintiff, Mississippi Farm Bureau Insurance Company, by and through the undersigned counsel, and for its Complaint against Defendants, would state as follows, to-wit:

PARTIES

I.

The plaintiff, Mississippi Farm Bureau Insurance Company, is a corporation organized and existing pursuant to the laws of the State of Mississippi, but authorized to do and doing business in the State of Mississippi.

II.

The defendant, Mazda Motor of America, Inc. (hereinafter "Mazda"), is a corporation licensed to do and doing business in the State of Mississippi, and may be served with process through its registered agent, CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi.

III.

Defendants A, B and C are those persons, partnerships, businesses, ventures, corporations or other legal entities who may be considered liable for the actions or conduct of Mazda. The names or identities of these defendants are not presently known to the plaintiff.

JURISDICTION

IV.

This court has subject matter jurisdiction over this controversy pursuant to Miss. Code Ann. § 9-7-81 (1972 as amended).

FILED

JAN 04 2005

Dale H. Thompson
CIRCUIT COURT CLERK, DESOTO COUNTY, MISS

V.

Venue is proper in this jurisdiction pursuant to Miss. Code Ann. § 11-11-3 as this is where the subject loss occurred.

FACTS

VI.

On or about September 29, 2003, a vehicle owned and driven by [REDACTED] was traveling on I-55 in Hernando, DeSoto County, Mississippi, when she heard an unusual sound followed by a "bang" noise. [REDACTED] then noticed fire behind her vehicle and stopped immediately.

VII.

Mazda's negligence was the sole proximate cause of the accident, wherein the vehicle owned by [REDACTED] suffered property damage in the amount of Twenty-Four Thousand Five Hundred Forty-Nine and No/100ths Dollars (\$24,549.00). During the time [REDACTED] vehicle was being repaired, she was forced to incur expenses for a rental car totaling Six Hundred and No/100ths Dollars (\$600.00).

VIII.

As a result of the negligence of Mazda, [REDACTED] sought payment of the damages arising out of the accident from defendant, Mazda. However, the defendant refused to cooperate and therefore, the damages incurred were not paid.

IX.

[REDACTED] then sought payment of the damages pursuant to the collision coverage provided under the automobile policy secured with Mississippi Farm Bureau Insurance Company. Mississippi Farm Bureau Insurance Company paid on behalf of and to its insured, [REDACTED], damages totaling Twenty-Four Thousand, Six Hundred Forty-Nine and No/100ths Dollars (\$24,649.00).

X.

Mississippi Farm Bureau Insurance Company having paid the above described property damages and rental expenses, now seeks reimbursement from the defendant, Mazda, pursuant to its right of indemnification/subrogation in the amount of Twenty-Four Thousand, Six Hundred Forty-Nine and No/100ths Dollars (\$26,649.00).

XI.

WHEREFORE, PREMISES CONSIDERED, plaintiff prays that a judgment be rendered in its favor, and it be awarded damages in the amount of Twenty-Four Thousand, Six Hundred Forty-Nine and No/100ths Dollars (\$24,649.00), plus pre- and post-judgment interest at the highest rate allowable by law and set by this court and for all other proper relief to which it may be entitled.

Respectfully Submitted,

MISSISSIPPI FARM BUREAU INSURANCE
COMPANY

HICKMAN, GOZA & SPRAGINS, PLLC

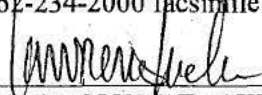
Attorneys at Law

P.O. Drawer 668

Oxford, MS 38655-0668

662-234-4000 telephone

662-234-2000 facsimile


LAWRENCE J. TUCKER, JR., MSB #100869